

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

PAMELA DAWN THORNE; et al.,

Plaintiffs,

Court File No.: 06-3123 (PAM/JSM)

vs.

WYETH, d/b/a WYETH, INC.;
WYETH PHARMACEUTICALS, INC.;
PFIZER, INC.;
PHARMACIA & UPJOHN COMPANY, LLC,
f/k/a PHARMACIA & UPJOHN COMPANY;
PHARMACIA CORPORATION;
GREENSTONE, LTD.;
BARR PHARMACEUTICALS, INC.;
BARR LABORATORIES;
DURAMED PHARMACEUTICALS, INC.;
NOVARTIS PHARMACEUTICALS CORPORATION;
BRISTOL-MYERS SQUIBB COMPANY;
SOLVAY PHARMACEUTICALS, INC.,
f/k/a REID-ROWELL, INC.;
SOLVAY AMERICA, INC;
WARNER CHILCOTT; BERLEX LABORATORIES, INC.;
WATSON PHARMACEUTICALS, INC.;
ORTHO-MCNEIL PHARMACEUTICAL, INC.;
DANNEMILLER MEMORIAL EDUCATIONAL FOUNDATION;
KETCHUM, INC.; SAATCHI & SAATCHI HEALTHCARE COMMUNICATIONS,
INC.; KLEMTNER ADVERTISING, INC.;
DESIGNWRITE, INC.; and DESIGNWRITE, LLC,

Defendants.

**ORDER OF DISMISSAL OF DEFENDANTS
BARR LABORATORIES, INC., BARR PHARMACEUTICALS, INC., AND
DURAMED PHARMACEUTICALS, INC. AS TO ALL PLAINTIFFS**

Pending is an Amended Joint Motion for Dismissal of Defendants Barr
Laboratories, Inc., Barr Pharmaceuticals, Inc., and Duramed Pharmaceuticals, Inc. as
each Plaintiff.

For good cause shown, the Amended Joint Motion for Dismissal of Defendants Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., and Duramed Pharmaceuticals, Inc. is GRANTED pursuant to the following terms and conditions contained in the Amended Joint Motion:

This dismissal is without prejudice as to each Plaintiff for the time period from the date of the entry of this Order up to and including May 22, 2007.

2. Between the date of this Order and May 22, 2007, any Plaintiff may move to amend her complaint in this action to reassert claims against Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., and/or Duramed Pharmaceuticals, Inc., accompanied by (a) a signed consent to the amendment by Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and/or Duramed Pharmaceuticals, Inc., as applicable; or (b) a demonstration of evidentiary support and legal basis to assert a claim against Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and/or Duramed Pharmaceuticals, Inc. The parties jointly agree that if any Plaintiff produces documentary proof that she ingested a hormone therapy product manufactured, sold or distributed by Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and/or Duramed Pharmaceuticals, Inc., then one or more of Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., and/or Duramed Pharmaceuticals, Inc., as applicable, agrees to consent to having all claims reinstated against it (them) that were either brought against it (them) in the original Complaint or subsequently added in any Amended Complaint. Such consent, however, does not waive any defenses Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and/or Duramed Pharmaceuticals, Inc. may have to any claims brought against it (them) in the original Complaint or in any Amended Complaint.

3. If the Court grants a Plaintiff's motion to amend to reinstate claims against Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and/or Duramed Pharmaceuticals, Inc., then (a) all defenses to which that defendant was entitled as of the effective date of such Plaintiff's original Complaint against that defendant are preserved, and (b) that defendant may not assert any statute of limitations defense based solely on the passage of time between the effective date of such Plaintiff's original Complaint against that defendant and such Plaintiff's reassertion of a claim against that defendant in an amended complaint.

4. As to any Plaintiff who does not bring a motion to amend against Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., or Duramed Pharmaceuticals, Inc. as provided in paragraph 2 above, or as to any Plaintiff whose motion to amend is denied, this dismissal will automatically become a dismissal *with prejudice* as to such defendant(s), effective May 23, 2007, without further court order. The Court also expressly determines that there is no just reason for delay in the entry of final judgment of dismissal with prejudice and the Court directs the clerk to enter judgment of dismissal with prejudice effective May 23, 2007, without further order of the Court.

Accordingly, Plaintiffs' claims against Defendants Barr Laboratories, Inc., Barr Pharmaceuticals, Inc., and Duramed Pharmaceuticals, Inc. are dismissed, pursuant to the terms set forth herein.

IT IS ORDERED THIS 14th day of November 2006.

s/Paul A. Magnuson
Judge Paul A. Magnuson
United States District Court